

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WENDY FORTUNATO,
Plaintiff(s)
v.
CAROLYN W. COLVIN
Defendant

2:13-CV-1503 JCM (VCF)

ORDER

15 Presently before the court is Magistrate Judge Ferenbach's report and recommendation.
16 (Doc. # 16). The magistrate recommends that plaintiff's motion to remand (doc. # 11) be denied and
17 that defendant's cross motion to affirm (doc. # 14) be granted. No objections to the report and
18 recommendation have been filed and the deadline in which to object has expired.

19 This court “may accept, reject, or modify, in whole or in part, the findings or
20 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects
21 to a magistrate judge’s report and recommendation, then the court is required to “make a de novo
22 determination of those portions of the [report and recommendation] to which objection is made.”
23 28 U.S.C. § 636(b)(1).

24 Where a party fails to object, however, the court is not required to conduct “any review at all
25 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
26 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
27 judge’s report and recommendation where no objections have been filed. *See United States v.*

1 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
2 district court when reviewing a report and recommendation to which no objections were made); *see*
3 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
4 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any
5 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
6 recommendation, then this court may accept the recommendation without review. *See, e.g.*,
7 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation
8 to which no objection was filed).

9 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
10 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
11 and underlying briefs, this court finds good cause appears to ADOPT the magistrate's findings in
12 full.

13 | Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the report and
15 recommendation (doc. # 16) be, and the same hereby is, ADOPTED in its entirety.

16 IT IS FURTHER ORDERED that plaintiff's motion to remand (doc. # 11) be, and the same
17 hereby is, DENIED.

18 IT IS FURTHER ORDERED that defendant's cross motion to affirm (doc. # 14) be, and the
19 same hereby is, GRANTED. The clerk shall enter judgment accordingly and close the case.

20 DATED April 14, 2014.

UNITED STATES DISTRICT JUDGE